

MINUTES
REGULAR MEETING
CITY COUNCIL

February 2, 2015

Mel L. Cohen, Mayor

Sally W. Sandy, City Manager

Louis E. Vinay, Jr., City Attorney

John H. Cantrell)
Forrest A. Fleming) Councilmen
Sidney Simmons)
Ronnie Thompson)

Becky Brinkley, Interpreter

I. The meeting was called to order in the Council Chamber at City Hall at 5:30 p.m. by Mayor Cohen.

II. Public Comment – The Mayor stated the guidelines for public comment, and then speakers were called in order of sign-up.

- Mr. Jeff Boone resides at 133 Whispering Pine Street. He is pastor of First Freewill Baptist Church located at 502-504 South Sterling Street. Boone stated there has been an increasing issue with vandalism and derelicts on and around the church property. In the past services have been disrupted and on January 26th someone poured feces on the door handles and threshold of the church. He has been in contact with Major Bradshaw.

- Mrs. Fareeda Omer resides at 107 Castlegate Drive. Mrs. Omer spoke against smart meters and the chosen AMI pilot project area. She requested meters be removed from properties owned by her family.

- Mr. Aziz Omer resides at 101 Ervingdale Lane. Omer spoke against smart meters calling the installation of smart meters “irrational”. Omer stated that his interpretation of the Federal Energy Act of 2005 allowed customers the choice to opt-in.

- Dr. Syed Omer resides at 107 Castlegate Drive. Dr. Omer listed medical ailments that some attribute to smart meters. He stated there are many reports of illnesses due to electromagnetic fields and requested smart meters not be used in Morganton.

- Mr. Don Haugen resides at 411 LaForet Drive and is a downtown business owner. Haugen stated he is a board member of the Downtown Development Association (DDA). Haugen reminded the Council of the recent arson fire attempt in the alley behind Gregory Jewelers and Benjamin's. In response to that, the DDA has purchased a video camera which Ben Belton allowed the DDA to place on his building and wire into his system so there is a constant recording of goings-on in the alley. The DDA continues to work to improve the downtown area.

- Mr. Newton Beck resides at 114 Cross Creek Drive. Beck stated his concern about the smart meter program, his concern that the Council was unaware of pros and cons and the costs of the smart meter pilot program. He stated his support of an opt-out option for the smart meter program.

There being no other speakers, the Mayor recessed the meeting at 5:54 p.m.

III. Business of the Council – The Mayor reconvened the meeting at 6:00 p.m.

IV. Pledge of Allegiance to the Flag – Councilman Fleming led the recitation of the Pledge of Allegiance to the Flag.

V. Invocation – The invocation was given by the Rev. Heather Kilbourne of St. Matthew's United Methodist Church.

VI. Introduction of Council – The Mayor introduced the Council and staff.

VII. Retiree Resolutions

- The Mayor read a Retiree Resolution and presented it to Chung Y. Pau. Pau retired from the City of Morganton on February 1, 2015 with over 9 years' service in the Public Works Department as a Maintenance Worker - Cemetery/Grounds.

Chung Pau stated it was his pleasure and honor working for the City. He stated he came to Morganton sixteen years prior and did not want to live anywhere else.

Upon motion by Mayor Cohen, seconded by Councilman Cantrell, and carried unanimously, the Council adopted Resolution #15-9 honoring retiree Chung Y. Pau.

- Councilman Thompson read Bobby Nidiffer's retirement resolution and the Mayor presented it to him.

Bobby L. Nidiffer retired from the City of Morganton on February 1, 2015 with 9 years and six months service. Bobby retired from the Wastewater Department as Waste Treatment Plant Operator.

Nidiffer stated his appreciation to the City and his coworkers.

Upon motion by Mayor Cohen, seconded by Councilman Thompson, and carried unanimously, the Council adopted Resolution #15-10 honoring retiree Bobby L. Nidiffer.

VIII. Presentation of Service Pins - The Personnel Committee and City staff have decided to recognize long-term employees for years of service at a Council meeting. The Mayor presented service pins to the following employees:

- Dwain Benton, Water Resources Department, Distribution & Collections Supervisor in wastewater, 20 years. The Mayor presented Dwain his service pin.
- Joe Blumetti, Public Safety, Captain, 20 years, was unable to attend. His department director will present his pin at a later time.
- Art Helms, Information Resources Management Services, Network Administrator, 25 years. The Mayor presented Art his service pin.

IX. Public Advocacy Issues and Strategies

- a. Morganton Housing Authority (MHA) board director the Rev. Tom Bland introduced Steve Villar (pronounced Vee-lar) as the new director of MHA. Mr. Villar is a native of Louisiana who served as Executive Director of the Deridder Housing Authority prior to coming to Morganton. Bland stated there was a national search in order to find someone to take over the Morganton Housing Authority after the retirement of Duke Logan. Mr. Villar, with his wife, has 4 children and 13 grandchildren. Mr. Villar stated his pleasure at being in Morganton and expressed thanks for the warm welcome to the community. The Mayor stated the cooperation between the City and the Housing Authority is long-standing and he looks forward to the continued relationship.
- b. E-billing Update – Finance Director Karen Duncan announced that electronic billing was now available if a citizen no longer wished to receive paper bills. She then presented a slide-show outlining how to sign up for the service. Councilman Cantrell asked if there was an advantage to draft and e-billing. She stated the advantage was lower postage costs for the City.
- c. Community House Update – The City Manager gave an update on the progress of the Community House renovation. She stated the Community House is now operating out of the First United Methodist Church. The move was a team effort involving Recreation, Water, Electric, Burke County Health Department and Queen City. The City Manager thanked all who helped make the move successful.
- d. Downtown Development Association Projects – Main Street Upgrades. Abby Gentry, Main Street Events Coordinator, stated the Main Street office has many partners in Morganton including the Downtown Development Association (DDA). The Main Street office and the DDA have been working to upgrade trash bins and install new recycling bins in the downtown area in preparation for the upcoming 2015 Main Street Conference. A local manufacturer will be making the bins.

Councilman Cantrell questioned if the recycling would be done by the Public Works Department. Abby stated the recycling would be picked up by Simply Green, a local recycling business.

- e. Public Safety Calendars – Chief Ronnie Rector stated that Major Billy Bradshaw had been to a training conference and brought back with him the idea of making a fundraising calendar for the community. Public Safety has distributed 750

calendars, raising \$2,500 for outreach projects such as Blue Elves and Operation Safe Haven.

f. The Mayor announced upcoming events at CoMMA: “Over the Rainbow”, Thursday, February 5; Ladysmith Black Mambazo, Tuesday, February 10; Million Dollar Quartet, Tuesday, February 24.

The Mayor again announced the City Council Workshop scheduled for February 20, 2015, in Morganton City Hall Council Chamber.

X. North Carolina Municipal Power Agency Number 1 Update – The City Manager stated the Rate Committee has begun meeting looking at numbers for the next year’s budget and hoped to have updated information soon.

XI. Consent Agenda – The City Manager presented the consent agenda and asked if any items should be removed from the consent agenda. No request was made.

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and unanimously carried, the consent agenda was approved and each individual item adopted as stated.

A. Approved Minutes as submitted for a Regular Meeting held on January 5, 2015.

B. Approved the 2015 Downtown Calendar of Events as submitted.

C. Approved the date of April 1, 2015 for advertisement of Unpaid Real Estate Tax Accounts.

D. Approved as surplus the old stage curtain from the CoMMA, and sale of it to the Town of Hildebran for \$1,000.

XII. Items Removed from Consent Agenda – There were no items removed from the Consent Agenda.

XIII. New Business

A. Public Hearing and Action

1. Public Hearing for the City of Morganton Consolidated Plan FY 2015-2019

The Mayor opened the public hearing at 6:26 p.m.

The City Manager stated Lisa Helton would present the information for this public hearing. Lisa stated Morganton is required to hold a public hearing to receive public input, gather information and comments to be incorporated into the 2015-2019 Consolidated Plan for the City of Morganton. After receiving the input, staff will draft a consolidated plan for presentation and consideration in April.

This Plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines the goals and actions of the City of Morganton in its use of Community Development Block Grant (CDBG) funds for the next four years, beginning July 1, 2015 and ending June 30, 2019.

This hearing was advertised in the Morganton *News Herald* on January 15 and 22, 2015.

There being no public comment, the Mayor closed the public hearing at 6:27 p.m.

Action: Direct Staff to proceed with development of the Consolidated Action Plan for FY 2015-2019

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and carried unanimously, the Council directed staff to proceed with development of the Consolidated Action Plan for FY 2015-2019.

B. Other Business

1. Consideration of Amendments to Schedule of Fees and Charges to Comply with New Zoning Ordinance

The City Manager stated with the adoption of the new Zoning Ordinance, various changes are needed in the Schedule of Fees and Charges to correlate with the new regulations. The recommended fee changes correspond directly to the new signage regulations, a new Board of Adjustment application, and a new Planning Commission Application.

The new sign ordinance allows a business to install multiple wall signs on its building up to 10% of the total wall area. The new recommended fee schedule would require a permit fee based on the size of the sign as well as number of signs on the building. The recommended permit fee is \$1/ per square foot; therefore two 30 square foot wall sign permits could be purchased for \$60.00 where before a single wall sign permit was \$75.

The staff believes the new fee structure provides owners a less expensive permit option but also provides multiple sign options on each building. The square footage fee would also apply to larger wall signs.

The new ordinance removes Special Exception Permits from the Board of Adjustment's authority; and replaces this authority with a Certificate of Non-conforming Adjustment Review. The \$300 fee for this consideration would remain the same as before. This fee covers advertising costs and a portion of administrative costs.

The City Manager stated the new ordinance also establishes a method to apply for Alternative Design Reviews through the Planning Commission and City Council. The recommended fee for this consideration is \$600 which is equal to current rezoning

fees. This fee would cover required advertising costs and a small amount of administration costs.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council amended the Schedule of Fees and Charges to establish new Sign Permit Fees, Certificate of Non-conformity Adjustment Application Fees, and an Alternative Design Review Fee.

2. Consideration of Redevelopment Commission to Formally Go Dormant, Declare an End to East Union Redevelopment Project, and Transfer Assets to the City

The City Manager stated the Morganton Redevelopment Commission (RDC) has actively pursued and implemented redevelopment activities within the East Union Street Redevelopment Area for many years. These efforts have transformed the east side of downtown which was designated previously under the conditions of Slum and Blight. The RDC efforts initiated new economic investment through public investment in infrastructure, acquisition of property, and multiple public-private partnerships. These efforts have substantially changed public perception and property values in the designated and surrounding areas.

The RDC has determined that their continued involvement in this area is no longer necessary to drive private market forces and investment in this section of town. For this reason the Redevelopment Commission wishes to declare the East Union Street Redevelopment activities substantially complete, and to relinquish all remaining land and financial assets to the City of Morganton to be used and disposed of as necessary.

As of its last financial audit, the Morganton Redevelopment Commission is prepared to relinquish a total positive net position of \$1,072,221. This includes restricted cash, capital land assets, long term debt and other liabilities.

Upon motion by Mayor Cohen, seconded by Councilman Cantrell, and carried unanimously, the Council agreed to contract with Eric Bowman to do a final audit of monies coming from the RDC, at the cost of \$1,000.

Councilman Cantrell stated that during the 20 years of the RDC many people have faithfully served the commission; they have put in a lot of time and effort on behalf of the City. Councilman Cantrell suggested using a portion of the monies to host an event that would recognize the contributions of those who have served. The City Manager stated the staff will put an event together.

Upon motion by Councilman Simmons, seconded by Councilman Thompson, and carried unanimously, the Council accepted Morganton Redevelopment Commission assets as payment in full for any outstanding debts with the City of Morganton and declared the East Union Street Redevelopment Area substantially complete.

3. Consideration of Revision of Worker's Compensation Section of the Personnel Policy

The City Manager stated that with advice and approval of the City Attorney and Human Resources Director there is a recommendation to replace the Personnel Policy segment on Workers Compensation with an entirely new Section 11.03. The new policy will assure that the City addresses and manages claims for workplace injuries and occupational diseases effectively and appropriately, and will clarify the rights and responsibilities of employees and the City.

One aspect of the revision involves budgetary or financial matters, and thus requires Council approval. Because Workers Compensation only pays two-thirds (2/3) of an injured worker's average weekly wage, there has been some concern about whether such an employee may continue to receive any pay from the City. The new policy makes clear that employees receiving Workers Compensation will indeed be entitled to use accrued sick leave, vacation leave, or compensatory time in order to "make up" for the one-third (1/3) of wages not being covered by Workers Compensation, as long as the total benefit never exceeds the normal pay the employee would have gotten if not out of work.

While there is no legal requirement for such payments, similar approaches are quite common among local government employers, and several of Morganton's nearby peer cities have such policies in place. City staff believes such a policy is good employment practice, assists our injured or sick personnel in their time of greatest need, and is a benefit which helps recruit and retain quality employees.

Upon motion by Councilman Thompson, seconded by Councilman Simmons, and carried unanimously, the Council approved amendment to the City's Personnel Policy to provide that while an employee is out of work and receiving Workers Compensation benefits, the employee may use accrued compensatory time, sick leave or vacation leave to replace the one-third of wages or salary not replaced by Workers Compensation benefits, provided that the total received shall not exceed the employee's normal weekly wage or salary.

4. Consideration to Purchase a New Trailer Mounted Sewer Inspection Camera System for the Distribution & Collections Division

The City Manager stated the Water Resources Department requested to purchase a new sewer camera for inspecting sewer and stormwater piping. The information obtained allows for quick pipe condition assessment and repair decisions to be made.

A quote for a new trailer mounted sewer inspection camera system was obtained from a vendor utilizing state co-op (HGAC) contract pricing. It is recommended that the City purchase such a system from Rodders and Jets Supply Company for \$73,359.

Councilman Simmons asked if the camera could record underwater. Brad Boris, Water Resources Director, stated the camera could not be used in a full pipe.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council approved the purchase of a trailer mounted sewer inspection camera system from Rodders and Jets Supply Company for \$73,359

5. Consideration of Award of Contract for Columbarium

The City Manager stated Public Works Director Scott Lookadoo reviewed several proposals for construction of a columbarium at the cemetery. A variety of designs were considered. The low bid was submitted by Southeastern Monument Company for a prefabricated unit to be placed, and the City would prepare the site for installation. This unit would require face plates by the resident customer.

Lookadoo recommends instead the proposal submitted by Ridgeline Building Corporation of Morganton. The design they proposed will provide 100 niches which include the granite faces. The proposal for the complete structure is \$38,754. Funds are budgeted for \$50,000 which will allow consideration of landscaping.

Councilman Fleming asked about space fees for the columbarium. The City Manager stated those had not yet been established and would be brought to Council later in the spring.

Upon motion by Councilman Simmons, seconded by Councilman Cantrell, and carried unanimously, the Council awarded a contract to Ridgeline Building Corporation of Morganton in the amount of \$38,754 for a columbarium to be placed at Forest Hill Cemetery.

6. Consideration of Acceptance of a Drinking Water State Revolving Fund Loan

The City Manager stated after several attempts, the City finally received notice it had been awarded a 0% interest loan from the Drinking Water State Revolving Fund to construct the new clearwells at the water plant. The City Manager stated that all good things come to those who wait and shared that the City began pursuing this in 2013.

The Council will need to accept the loan at the February meeting. Additionally, the current rules also allow the City to borrow the closing cost associated with the project (at 0% interest) which requires a budget amendment of \$23,552 which makes the total loan amount \$1,273,552.

Upon motion by Councilman Thompson, seconded by Councilman Fleming, and carried unanimously, the Council accepted the Drinking Water State Revolving Fund (DWSRF) loan in the amount of \$1,273,552 at 0% interest.

Upon motion by Councilman Thompson, seconded by Councilman Fleming, and carried unanimously, the Council approved a budget amendment in the amount of \$23,552.

XIV. Other Items from City Manager and City Council Not on Agenda

a. Consideration of an Ordinance Establishing a Speed Limit of 35-mph on Burkemont Avenue, a Part of the North Carolina State Roadway System, in Concurrence with the North Carolina Department of Transportation

The City Manager stated that in about 1996 the North Carolina Department of Transportation (NCDOT) reduced the speed limit along Burkemont Avenue from I-40 to Fleming Drive to 35-miles-per-hour. The City concurred with this speed limit change, however there is no record with NCDOT indicating the appropriate paperwork was filed. The signage was changed at that time to reflect the 35 mph speed zone and has been in place since.

The City received a call last week from NCDOT asking the Council to approve the concurrence with the change and file the appropriate paperwork.

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and carried unanimously, the Council authorized establishing a 35 mph posted speed limit on Burkemont Avenue from I-40 to Fleming Drive and execute Municipal Certification with NCDOT.

b. Consideration of Approving the Park Master Plan Phase III Catawba River Soccer Complex Document

The City Manager stated that as part of PATRF grant process that was approved for application at last month's meeting, a Park Master Plan (Phase III) document needed to be approved as part of the grant package.

Councilman Thompson asked if there was a large need for a croquet court in Western North Carolina. Recreation Department Director Gary Leonhardt stated that there were "points" given in the grant process for different activities that are brought to the park. Gary stated that there are some people who do play. This is more of a championship course, similar to a putting green. It's a very inexpensive addition and gives a bit better chance for receiving the grant.

Upon motion by Mayor Cohen, seconded by Councilman Cantrell, and carried unanimously, the Council approved the 2015 Park Master Plan Phase III Catawba River Soccer/Lacrosse Complex document.

Other Items

- The City Manager stated that with all the concerns regarding smart meters she would like to suggest that prior to the March 2 Council meeting the Council invite Keith McAllister or one of his colleagues for a question and answer session

regarding smart meters. McAllister is a graduate of North Carolina State University who has no association the meter industry. He holds a BS and a MS in mechanical engineering, is a professional engineer certified in North Carolina, and is a certified data center energy professional. He has worked with Progress Energy and is a guru in the clean energy field within the U.S. Department of Energy. The City Manager suggested meeting at 4:00 just prior to the regular Council Meeting.

Councilman Fleming asked if the general public would be welcome to come. The City Manager stated it would be open to anyone who would like to attend.


Councilman Thompson stated that this is such an expensive project all input was needed. The Council asked the City Manager to arrange the session. The City Attorney stated this would need to be noticed as a public meeting.

•One other item was from Councilman Thompson, who suggested everyone take time to go by the new School for the Deaf Foundation property on College Street to see the progress being made.

XV. Reports – Reports were distributed for information.

XVI. Adjournment – The meeting was adjourned at 6:58 p.m.

Preparation of Minutes. These minutes were prepared by Mikela D. Russell, Assistant City Clerk. Copies of all resolutions, ordinances and orders referenced in these minutes are intended to be incorporated into these minutes as if fully set forth herein. Prior to including them into the official minute book, the minutes have been read and approved by the City Manager and the City Attorney, then distributed to each member of the City Council for further review and final approval, at a subsequent Council Meeting.



Mayor

Assistant City Clerk